

Virginia Manufactured Housing Board Minutes
May 19, 2005

Board Members Present: William B. Toombs, Chairman
William H. Moody, Vice Chairman
Eric C. Anderson
Samantha Hedgpeth
Ava Lewis
Michael C. Nickell
James W. Roncaglione

Board Members Absent : Danny Moon
E. Thomas Satterwhite

Public Representatives : Ron Dunlap, President, VAMMHA
Rev. Terry Searce, representative with Richard Puckett, licensee
Richard Puckett, Sales Applicant

A. Call to Order/Roll Call/Determination of a Quorum.

Chairman Toombs called the Virginia Manufactured Housing Board meeting to order at 10:00 a.m. Curtis L. McIver, Secretary to the Board did the Roll Call and a Quorum was present.

B. Approval of the Minutes.

A motion was made by William H. Moody and second by Michael C. Nickell to accept the Minutes of the February 17, 2005 meeting. The Minutes were accepted as written by a unanimous vote.

C. Public Comment.

None.

D. Committee Reports.

None.

E. Report of the Secretary.

1. Licenses and Recovery Fund Reports.

The cash balance in the Licensing Account is \$31,651.98. The cash balance in the Transaction Recovery Fund Account is \$867,929.86.

Currently licensed are eight Brokers, 259 Dealers, 49 Manufacturers and 786 salespersons in the program.

2. Legislation enacted.

House Bill 2720 sponsored by Delegate Scott was approved by the House and the Senate and was signed by Governor Warner. The legislation amended the definition of “new manufactured home” in Section 36-85.16 of the Code of Virginia.

A motion was made by Michael C. Nickell and second by Ava Lewis to have staff start the administrative process to amend the Regulations. The process will be an abbreviated process, but will include a public comment period.

Chairman Toombs called the question. The motion carried by a unanimous vote.

3. August meeting with VAMMHA.

The Virginia Manufactured Housing Board will be holding its meeting in conjunction with the Virginia Manufactured Modular Housing Association August 2 through August 4, 2005. Approval has been given by Alvin Williams, Fiscal Director and Emory Rogers, Deputy Director of Building Regulations for Board members and support staff to attend the VAMMHA Convention also.

F. Unfinished Business.

1. Elizabeth Conn vs. Colonial Homes.

The hearing officer has submitted his recommended findings of fact and conclusions of law. Upon review, it was discovered that at least two possible errors might exist in the document. The hearing officer has been notified and we just received the corrected findings from him.

The involved parties will be sent copies of the document for their review and comments. This case will be heard at the Board’s next meeting, which is scheduled for June 16, 2005.

2. Eddie Linville vs. Jerry Stoneman, Southern Showcase Housing.

Mr. Stoneman was notified by staff concerning an informal hearing on this case; however, Mr. Stoneman did not respond. Due to Mr. Stoneman’s failure to respond, a motion was made by Michael C. Nickell and second by William C. Moody to have a formal hearing on this case. The motion carried by a unanimous vote.

Staff will work with Mr. Diamond to assure compliance with all administrative procedures.

3. Pending Items – In Circuit Court.

- a. Catherine Portman vs. Colonial Homes.
- b. Ronald Morehart vs. Blairs Housing and Liberty Homes.
- c. Christine White vs. Colonial Homes.

- d. License application from John C. Witcher, Jr. – A Gem Homes.
- e. John and Geraldine Brain vs. Manufactured Housing Board.

All of the above are still in litigation.

4. Completed Agenda Item.

- a. Ms. Betty Russell vs. Oakwood Homes. This item is completed. This item will be removed from the agenda and closed.

G. New Business.

1. License application from Richard N. Puckett, Colonial Homes, Center.

Richard N. Puckett, Sales Applicant, appeared before the Virginia Manufactured Housing Board on Thursday, May 19, 2005, with Rev. Terry Searce. Rev. Searce is Richard Puckett's Pastor. Richard Puckett explained exactly what happened, what he has done and continues to do to address his problems.

A motion was made by William C. Moody and second by Samantha Hedgspeth to grant Richard N. Puckett a salesperson's license.

Chairman Toombs called the question. The motion carried with a unanimous vote.

2. Larceny conviction of James Franklin, Quality Homes, LLC.

In February, a copy of a sentencing order showing that James Franklin had been found guilty of a charge of Grand Larceny in the circuit Court of Augusta County was received by the staff of the State Building Code Administrative Office. James Franklin is listed as the manager of Quality Homes (a licensed dealer) and as a manufactured home salesperson by the Board.

A motion was made by Eric Anderson and second by James W. Roncaglione to table this case until all appeals have been exhausted. This motion carried by a unanimous vote.

3. Paul and Joan Hammock vs. Southern Showcase and Champion Home Builders.

The complaint concerns a manufactured home purchased by Mr. and Mrs. Hammock. The complainants chose to have the case heard as an arbitration hearing. The case was heard by an Arbitrator in binding arbitration, the results were entered by the arbitrator, and all payments have been made as ordered to the homeowners. The State Building Code Administrative Office was contacted by the owners who requested that the case be taken before the Virginia Manufactured Housing Board. The homeowners refused to allow repair work to be done on their home and feel they should have received a larger monetary settlement. There were no further recommendations by staff concerning this case.

A motion was made by Eric Anderson and second by Michael Nickell to close the file due to the fact that staff does not have any further recommendations.

Chairman Toombs called the question. The motion carried with a unanimous vote.

H. Next Meeting date and location.

The next meeting of the Virginia Manufactured Housing Board will be Thursday, June 16, 2005, at the Department of Housing and Community Development, the Jackson Center, 501 N. 2nd Street, 1st Floor Board Room, Richmond, Virginia 23219. Telephone No. (804) 371-7160.

I. Adjournment.

The Virginia Manufactured Housing Board Meeting adjourned at 1:00 p.m. by a motion from William H. Moody and second by James W. Roncaglione.

Chairman Toombs called the question. The motion was carried by a unanimous vote.